

REMARKS

The Examiner has delineated the following inventions as being patentably distinct:

Group I: Claims 1-11 and 15, drawn to a method, classified in class 117, subclass 11;
and

Group II: Claims 12-14, drawn to a product, classified in class 117, subclass 200.

Applicants provisionally elect Group II, Claims 12-14, drawn to a product, with traverse in view of the following arguments why all of the claims should be examined together.

The claims of Group II (12-14) are integrally linked with the claims of Group I (1-11 and 15). Final product and method for making said product are interdependent and should be examined together on the merits. Different classification does not necessitate different inventions. Restriction is only proper if the claims of the restricted groups are not related. The burden of proof is on the Office to provide substantive reasons and/or examples to support any conclusions with regard to patentable distinctness (MPEP §803). To simply allege that the product as claimed can be made by another materially different process without substantiating with a reference is simply not sufficient, and the Office has not shown that a burden exists in searching all of the claims. Applicants would like to point out that many U.S. patents have issued wherein more than two subclasses, have been searched. Consequently, the Office cannot reasonably assert that a burden exists in searching only two subclasses.

In any event, in order to comply with the Examiner's request to the Restriction Requirement, Applicants provisionally elect Group II, Claims 12-14 with traverse.

Application No. 10/673,180

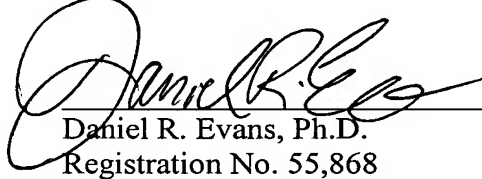
Reply to Office Action of October 6, 2005

If the invention of Group II (Claims 12-14) is found to be allowable, withdrawn method claims which depend from or otherwise include all of the limitations of the allowable claims shall be rejoined (MPEP §821.04).

Respectfully submitted,

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